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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/213,131	12/15/1998	ERIC C. ANDERSON	1104-069	7384
74548 7590 10/06/2010 FlashPoint Technology and Withrow & Terranova 100 Regency Forest Drive Suite 160 Cary, NC 27518				
EXAMINER AGGARWAL, YOGESH K				
ART UNIT 2622		PAPER NUMBER		
MAIL DATE 10/06/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/213,131

Applicant(s)

ANDERSON, ERIC C.

Examiner

YOGESH K. AGGARWAL

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9, 11-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9, 11-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/C.3)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. In view of the appeal brief filed on 06/25/2010, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Response to Arguments

2. Applicant's arguments, see pages 5-8, filed 06/25/2010, with respect to the rejection(s) of claim(s) 7-9, 11-18 and 20-22 under 35 USC 112, first paragraph have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of an interpretation of a previously applied reference to Parulski et al. (US Patent 5,270,831) and a new reference Ochi et al. (US Patent # 5,764,285).

3. The newly recited limitations in claims “wherein the image capture device is not a scanner” are rejected based upon the teachings of Parulski. As noted, the claimed invention is similar to as taught in Parulski except the device that it is implemented is a combination of a scanner and a display device. However Parulski also teaches that the invention may be incorporated in any digitized image processing system (col. 4lines 30-31). Therefore any analogous device e.g. a digital camera may be used to implement the invention. Parulski teaches a scanner 12 that outputs digitally encoded data representative of the internal electronic scanning of a high resolution image sensing array onto which a respective photographic image frame of film strip 10 is projected. This digitally encoded data, or digitized image, is coupled in the form of an imaging pixel array-representative bit map to an attendant image processing workstation 14, which contains a frame store and image processing application software through which the digitized image may be processed (e.g. enlarged, rotated, cropped, subjected to scene balance correction, etc.) to achieve a desired image appearance (col. 4 lines 37-49). A digital camera similarly has an image sensor, display and a processing unit to process the images and displaying (see figures 3 and 4 in applicant’s specification, wherein image sensor 224, an A/D converter 230, CPU 344 and LCD screen 402 are shown) . Furthermore, even in applicant's specification at Page 27, lines 14-18, it is explained that nothing prevents the method and system from being used in another environment e.g. to display images on a host system with only minor modifications.

35 USC § 112-sixth Paragraph

4. The claims 15-18 and 20-22 meet the 3-prong analysis for 112 sixth paragraph and are being treated under 35 U.S.C. 112, sixth paragraph. The three prong analysis as stated in MPEP 2181 [R-6]

- (A) the claim limitations must use the phrase “means for” or “step for;”
- (B) the “means for” or “step for” must be modified by functional language;
and
- (C) the phrase “means for” or “step for” must not be modified by sufficient structure, material, or acts for achieving the specified function.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9, 11-18 and 20-22 and are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 5,270,831 to Parulski et al.) in view of Ochi et al. (US Patent # 5,764,285).
[Claim 7]

Parulski discloses a method for correcting an aspect ratio of an image captured by an image capture device comprising the steps of:

- (a) rotating the image, if required, so that the image appears upright on the image capture device (e.g. column 2, lines 40-45; column 3, lines 12-19; column 6, line 62 – column 7, line 2);
- (b) determining if the aspect ratio of the image matches a predetermined aspect ratio (e.g., column 7, lines 3- column 8, line 8; Figs. 5-9);
- (c) decompressing the image if required (e.g., column 4, line 60 – column 5, line 4);
- (d) cropping the image if the aspect ratio does not match the predetermined aspect ratio, thereby providing a cropped image (e.g., column 7, lines 3- column 8, line 8; Figs. 5-9);
- (e) providing the cropped image to a display (e.g., Figs. 5-9);

wherein the image capture device is not a scanner (col. 4 lines 30-31 teach that the invention may be incorporated in any digitized image processing system, therefore any analogous device e.g. a digital camera may be used to implement the invention).

Parulski teaches that the invention is implemented in a digital scanner and also may be implemented in any digitized image processing system like a camera but fails to teach if the image sensor and playback device are integrated in a single device.

However Ochi teaches a digital camera 1 which is a portable imaging device (figure 1, also see A/D converter 12 and 122) comprising a line sensor 11 and an area sensor 12 and a view finder 40 (col. 2 line 65-col. 3 line 5) that includes a LCD (col. 3 lines 48-51) for viewing images. Ochi further teaches that the camera includes a CPU 101 for controlling an overall operation of the camera 1 (col. 3 lines 66-col. 4 line 1) and an image processing unit 130

that reads the image data from the line scanner and area scanner and performs image processing on the image data (col. 4 lines 36-46).

Therefore taking the combined teachings of Parulski and Ochi, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an electronic camera that has a line sensor or an area sensor used for taking images and a display device all integrated into one device as taught in Ochi to be incorporated into the system of Parulski so that the images are taken with any of the image sensors i.e. line sensor or an area sensor since Parulski teaches that their invention may be implemented in any digitized processing system in order to have a versatile system that is compact and portable and could be carried and used anywhere.

[Claim 8]

Parulski discloses wherein the step of cropping the image further comprises the step of:

- (d1) resizing the image (e.g., column 8, lines 29-63).

[Claim 9]

Parulski discloses wherein the aspect ratio determining step (a) further comprises the step of:

- (b1) determining the aspect ratio of the image; and
- (b2) determining if the aspect ratio of the image matches an aspect ratio of the display

(e.g., column 7, lines 3- column 8, line 8; Figs. 5-9).

[Claim 11]

In regards to claim 11, Ochi discloses a LCD monitor (col. 3 lines 48-51).

[Claim 12]

In regards to claim 12, Examiner notes page 12, lines 11-14 of the instant invention for the definition of a scrennail image. Examiner notes column 7, lines 39-61 of Parulski wherein by providing an image that fills the visible area of the display, Parulski provides a scrennail image.

[Claim 13]

In regards to claim 13, note column 4, line 60 – column 5, line 4 of Parulski wherein iteratively higher resolution images can be displayed.

[Claim 14]

In regards to claim 14 see Examiners notes on the rejections above, wherein the same display steps for cropping the image would be applied to the higher resolution images.

[Claim 15]

Parulski teaches a system for correcting an aspect ratio of an image captured by an image capture unit comprising:

means for rotating the image, if required, so that the image appears upright on a display of the image capture device (e.g. column 2, lines 40-45; column 3, lines 12-19; column 6, line 62 – column 7, line 2);

means, coupled with the image rotating means, for determining if the image requires cropping (e.g., column 7, lines 3- column 8, line 8; Figs. 5-9);

means coupled to the determining means for decompressing the image if required (e.g., column 4, line 60 – column 5, line 4);

means coupled to the decompressing means for cropping the image if the image requires cropping, thereby providing a cropped image (e.g., column 7, lines 3- column 8, line 8; Figs. 5-9); and

means coupled to the cropping means for providing the cropped image to the display (e.g., Figs. 5-9); wherein the image capture unit is not a scanner (col. 4 lines 30-31 teach that the invention may be incorporated in any digitized image processing system, therefore any analogous device e.g. a digital camera may be used to implement the invention).

Parulski teaches that the invention is implemented in a digital scanner and also may be implemented in any digitized image processing system like a camera but fails to teach if the image sensor and playback device are integrated in a single device.

However Ochi teaches a digital camera 1 which is a portable imaging device (figure 1, also see A/D converter 12 and 122) comprising a line sensor 11 and an area sensor 12 and a view finder 40 (col. 2 line 65-col. 3 line 5) that includes a LCD (col. 3 lines 48-51) for viewing images. Ochi further teaches that the camera includes a CPU 101 for controlling an overall operation of the camera 1 (col. 3 lines 66-col. 4 line 1) and an image processing unit 130 that reads the image data from the line scanner and area scanner and performs image processing on the image data (col. 4 lines 36-46).

Therefore taking the combined teachings of Parulski and Ochi, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an electronic camera that has a line sensor or an area sensor used for taking images and a display device all integrated into one device as taught in Ochi to be incorporated into the system of Parulski so that the images are taken with any of the image sensors i.e. line sensor or an area sensor since Parulski teaches that their invention may be implemented in any digitized processing system in order to have a versatile system that is compact and portable and could be carried and used anywhere.

[Claim 16]

Parulski discloses wherein the decompressing means further comprises: means for decompressing and resizing the image (column 8, lines 29-63, column 4, line 60 – column 5, line 4).

[Claim 17]

Parulski discloses wherein the determining means further comprises: means for determining the aspect ratio of the image; and matching means coupled to the aspect ratio determining means for determining if the aspect ratio of the image matches an aspect ratio of the display (e.g., column 7, lines 3- column 8, line 8; Figs. 5-9).

[Claim 18]

In regards to claim 18, Ochi discloses a LCD monitor (col. 3 lines 48-51).

[Claim 20]

In regards to claim 20, Examiner notes page 12, lines 11-14 of the instant invention for the definition of a scrennail image. Examiner notes column 7, lines 39-61 of Parulski wherein by providing an image that fills the visible area of the display, Parulski provides a scrennail image.

[Claim 21]

Regarding claim 20, note column 4, line 60 – column 5, line 4 of Parulski wherein iteratively higher resolution images can be displayed.

[Claim 22]

In regards to claim 22 see Examiners notes on the rejections above, wherein the same display steps for cropping the image would be applied to the higher resolution images.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Anderson (US Patent # 5,555,103) teaches that in still image photography, for example, once an image (such as a multilevel grey scale image captured on photographic film or a high resolution digital camera) has been digitized and stored in an attendant data base, it is optimized for reproduction by a variety of reproduction devices (col. 1 lines 16-20).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sinh Tran/

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YKA
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